

Judge Pechman

FILED ENTERED  
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AUG 25 2006

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
BY DEPUTY

06-CR-00042-ORD

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHRISTOPHER MAXWELL,

Defendant.

NO. CR06-0042P

PRELIMINARY ORDER OF  
FORFEITURE

Pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure, and based upon the guilty plea of CHRISTOPHER MAXWELL to Conspiracy, as charged in Count 1 of the Indictment, in violation of Title 18, United States Code, Sections 371, and Intentionally Causing and Attempting to Cause Damage to a Protected Computer, as charged in Count 2 of the Indictment, in violation of Title 18, United States Code, Sections 1030(a)(5)(A)(i), 1030(a)(5)(B)(i), 1030(a)(5)(B)(ii), 1030(b), 1030(c)(4)(A), and 2, and upon the terms of the Plea Agreement filed in this matter between CHRISTOPHER MAXWELL and the United States, it is hereby

ORDERED, ADJUDGED and DECREED that pursuant to Title 18, United States Code, Section 982(a)(2)(B), CHRISTOPHER MAXWELL's interest in the following property seized by the Federal Bureau of Investigation on July 7, 2005, and September 19, 2005, is hereby forfeited to the United States of America:

- a. All Funds Held in Account Number \*\*\*\*\*5225 at Paypal, in the Name of CHRISTOPHER MAXWELL;

Copy to USMA

1       b.     All Funds Held in Account Number \*\*\*\*\*0129 at Wells Fargo, in the Name of  
2       CHRISTOPHER MAXWELL;

3       c.     All Funds Held in Account Number \*\*\*\*\*9657 at Wells Fargo, in the Name of  
4       CHRISTOPHER MAXWELL.

5       IT IS FURTHER ORDERED that the United States Marshals Service shall seize  
6       the above-described property and maintain such seized property in its custody and control  
7       until further order of this Court, or until this Order becomes final pursuant to Rule  
8       32.2(c)(2) of the Federal Rules of Criminal Procedure.

9       IT IS FURTHER ORDERED that pursuant to Title 21, United States Code,  
10      Section 853(n), the United States shall publish notice of this Preliminary Order of  
11      Forfeiture and of the intent of the United States to dispose of the property in accordance  
12      with law. The notice shall run for one (1) day each week for three (3) consecutive weeks  
13      in the Daily Journal of Commerce and/or any other appropriate newspaper of general  
14      circulation. The notice shall state that any person, other than the defendant, having or  
15      claiming a legal interest in the above-described property must file a petition with the  
16      Court within thirty (30) days of the final publication of notice or of receipt of actual  
17      notice, whichever is earlier.

18      The notice shall advise such interested persons that:

- 19      1.     the petition shall be for a hearing to adjudicate the validity of the  
20             petitioner's alleged interest in such property;
- 21      2.     the petition shall be signed by the petitioner under penalty of perjury; and
- 22      3.     the petition shall set forth the nature and extent of the petitioner's right,  
23             title, or interest in the forfeited property.

24      The petition shall also set forth any additional facts supporting the petitioner's  
25      claim and the relief sought.

26      The United States shall also, to the extent possible, provide direct written notice as  
27      a substitute for published notice to any person known to have an alleged interest in the  
28      above-described property that is the subject of this Preliminary Order of Forfeiture. Upon  
29      adjudication of any third party claims, this Court will enter a Final Order of Forfeiture

1 pursuant to Rule 32.2(c)(2) of the Federal Rules of Criminal Procedure, in which all such  
2 claims will be addressed.

3 IT IS FURTHER ORDERED that pursuant to Rule 32.2(b)(3) of the Federal Rules  
4 of Criminal Procedure, this Preliminary Order of Forfeiture shall become final as to the  
5 defendant at the time of sentencing and shall be made part of the sentence and included in  
6 the judgment. Based upon the Plea Agreement and the guilty plea entered by the  
7 defendant herein, the Court finds that the defendant had an interest in the forfeited  
8 property. If no third party files a timely claim, this Order shall become the Final Order of  
9 Forfeiture as provided by Rule 32.2(c)(2) of the Federal Rules of Criminal Procedure.

10 IT IS FURTHER ORDERED that after the disposition of any motion filed under  
11 Rule 32.2(c)(1)(A) of the Federal Rules of Criminal Procedure and before a hearing on  
12 any third party petition, discovery may be conducted in accordance with the Federal Rules  
13 of Civil Procedure upon a showing that such discovery is necessary or desirable to resolve  
14 factual issues.

15 IT IS FURTHER ORDERED that the United States shall have clear title to the  
16 above-described property following the Court's disposition of all third party interests, or,  
17 if none, following the expiration of the period provided in Title 21, United States Code,  
18 Section 853(n), for the filing of third party petitions.

19 IT IS FURTHER ORDERED that the Court shall retain jurisdiction to enforce this  
20 Order, and to amend it as necessary, pursuant to Rule 32.2(e) of the Federal Rules of  
21 Criminal Procedure.

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1 The Clerk of the Court is directed to send a copy of this Preliminary Order of  
2 Forfeiture to all counsel of record and nine (9) "raised sealed" certified copies to the  
3 United States Marshals Service in Seattle, Washington.

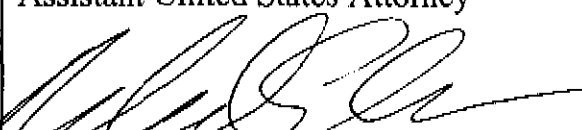
4 DATED this 25<sup>th</sup> day of August, 2006.

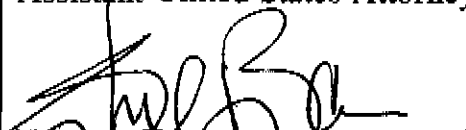
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7 MARSHA J. PECHMAN  
8 United States District Judge

9 Presented by:

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11  
12 KATHRYN A. WARMA  
13 Assistant United States Attorney

14   
15 RICHARD E. COHEN  
16 Assistant United States Attorney

17   
18 STEVE BAUER  
19 Attorney for Defendant

20   
21 CHRISTOPHER MAXWELL  
22 Defendant